

TODD KIM

Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division
LUCY E. BROWN (HI Bar #10946)
DUSTIN J. WEISMAN (CO Bar #44818)
Attorneys
P.O. Box 7611
Washington, D.C. 20044-7611
E-mail: Lucy.E.Brown@usdoj.gov
E-mail: Dustin.Weisman@usdoj.gov
Telephone: (202) 598-1868 (Brown)
Telephone: (202) 598-9063 (Weisman)

PHILLIP A. TALBERT

Acting United States Attorney
RACHEL R. DAVIDSON
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
E-mail: Rachel.Davidson@usdoj.gov
Telephone: (916) 554-2700

Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,

Plaintiffs,

v.

U.S. BUREAU OF LAND MANAGEMENT,
et al.,

Defendants.

Case No. 1:23-CV-00938-JLT-CDB

**FEDERAL DEFENDANTS' NOTICE OF
MOTION FOR VOLUNTARY REMAND
AND MEMORANDUM IN SUPPORT**

Hearing Date: N/A

Time: N/A

Judge: Honorable Jennifer L. Thurston

Magistrate Judge: Honorable Christopher D.
Baker

Defs.' Notice of Motion for Voluntary Remand

NOTICE OF MOTION AND MOTION FOR VOLUNTARY REMAND

Federal Defendants hereby move this Court for a voluntary remand of the actions challenged in this case. Specifically, Federal Defendants request that the Court grant a remand of the U.S. Bureau of Land Management's ("BLM") Decision Record to allow the agency to reexamine analyses in the Environmental Assessment performed pursuant to the National Environmental Policy Act and the Clean Air Act. For the reasons set forth in the accompanying memorandum in support, Federal Defendants request that the Court remand BLM's Decision Record to the agency without vacatur and hold the case in abeyance pending remand proceedings.

Federal Defendants' counsel has conferred with counsel for the parties. Plaintiffs oppose this motion on the ground that BLM's Decision Record should be vacated. Defendant California Resources Production Corporation reserves its right to take a position until after it reviews BLM's motion for voluntary remand.

DATED: November 7, 2023

TODD KIM
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

By: /s/ Lucy E. Brown
LUCY E. BROWN
Environmental Defense Section
DUSTIN J. WEISMAN
Natural Resources Section

PHILLIP A. TALBERT
Acting United States Attorney
RACHEL R. DAVIDSON
Assistant United States Attorney

Attorneys for Federal Defendants